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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,943	01/22/2001	John K. Gallant	RIC000016	3388
25537	7590	11/28/2005	EXAMINER	
MCI, INC 1133 19TH STREET NW 4TH FLOOR WASHINGTON, DC 20036			MOORE, IAN N	
			ART UNIT	PAPER NUMBER
			2661	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/766,943	Applicant(s) GALLANT ET AL.	
	Examiner Ian N. Moore	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above claim(s) 66-81 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23,25,27-50,52 and 54-65 is/are rejected.
- 7) ☒ Claim(s) 24,26,51 and 53 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/01,5/04,1/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's **election with traverse of Group I (claims 1-65)** in the reply filed on 8/12/2005 is acknowledged. The traversal is on the ground(s) that examiner has not demonstrated two-way or one-way distinctness. This is not found persuasive because for combination-subcombination, examiner has clearly demonstrated that two-way distinctness. First, Group I (combination) does not require the particular subcombination as claimed in Group III-VII (i.e. establishing a connection in ATM network does not specifically require a validation/admission method by processing source addressing information, a validation/admission method by processing destination addressing information, restricting burst-size requests whether to admit/accept the call based of shape/size of traffic method, a class-of-service provisioning method, a method of restricting the number of concurrent call, or a bandwidth control method), and secondly, subcombination has separated utility, such as, inventions III-VII, validation/admission method by processing addressing information, restricting burst-size requests whether to admit/accept the call based of shape/size of traffic method, a class-of-service provisioning method, a method of restricting the number of concurrent call, or a bandwidth control method. Since claims to the subcombination and combination are presented and assumed to be patentable, the omission of details of claimed subcombination (i.e. Group III-VII) in the combination (i.e. Group I) is evidence that the patentability of the combination does not rely on the details of the specific subcombination.
2. Similarly, regarding Group I (combination) does not require the particular subcombination as claimed in Group II (i.e. establishing a connection in ATM network does not

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specifically require a memory structure and array and specific processing in a server node with respect to addressing), and secondly, subcombination has separated utility, such as, inventions II, a memory structure and array and specific processing in a server node with respect to addressing. Since claims to the subcombination and combination are presented and assumed to be patentable, the omission of details of claimed subcombination (i.e. Group II) in the combination (i.e. Group I) is evidence that the patentability of the combination does not rely on the details of the specific subcombination.

3. Regarding Groups II and III-VII, III and IV, III and V, and III and VII, the argument is not found persuasive because for subcombinations disclosed as usable together in a single combination, examiner has clearly demonstrated that one-way distinctness. Each Group II and Group III-IV have separate utility such as, validation/admission method by processing addressing information, restricting burst-size requests whether to admit/accept the call based of shape/size of traffic method, a class-of-service provisioning method, a method of restricting the number of concurrent call, a bandwidth control method. Similarly, examiner has also demonstrated one-way distinctness for group III and IV, III and V, and III and VII as set forth in the previous office action pages 3-4.

Accordingly, the requirement is still deemed proper and is therefore made FINAL, and the claims 66-81 are withdrawn from consideration.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract discloses "present **invention**" in line 18, which is a phrase that can be implied.

Correction is required. See MPEP § 608.01(b).

It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The disclosure is objected to because of the following informalities: pages 2-3 disclose the **attorney docket numbers** for related applications, and it is suggested to replace the attorney docket numbers with serial numbers or patented numbers of each related application. See 37 CFR 1.78 and MPEP § 201.11.

Appropriate corrections are required.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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7. Claims 1-65 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 6,931,010. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-65 of the instant application merely broadens the scope of the claim 1-22 of the Patent by renaming the elements with generic names (*i.e. ATM signaling intercept processor as a signaling intercept processor; a multi-service control point as a policy server*) and eliminating elements and the specific detailed functionality (*i.e. eliminating a second a multi-service control point and a service administration*). It has been held that the omission an element and its function is an obvious expedient if the remaining elements perform the same function as before. *In re Karlson*, 136 USPQ 184 (CCPA). Also note *Ex parte Rainu*, 168 USPQ 375 (Bd.App.1969); omission of a reference element whose function is not needed would be obvious to one skilled in the art.

Claim Objections

8. Claim 1 is objected to because of the following informalities:

Claim 1 recites, “a policy server” in line 10. It is suggested to clarify whether “a policy server” in line 10 is the same server as “an intelligent policy server” in line 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-3,5,10-16,18,31,38-43,45,58 and 65 are rejected under 35 U.S.C. 102(e) as being anticipated by Buyukkoc (US 6.463.062).

Regarding claims 1 and 39, Buyukkoc discloses an intelligent policy server (see FIG. 7-9, central Routing Status Database server, RDS) method in an synchronous Transfer Mode (ATM) network (see FIG. 7-9, ATM network; see col. 19, line 55-60) having an ingress switch (see FIG. 9, ATM switch 922) and an egress switch (see FIG. 9, ATM switch 924), wherein said ingress switch serves an ingress device (see FIG. 9, switch 912) operated by a calling party (see FIG. 9, User 902) and said egress switch serves an egress device (see FIG. 9, Switch 914) operated by a called party (see FIG. 9, user 904); see col. 19, line 61 to col. 20, line 24), comprising the steps of:

receiving, in said ingress switch, a signaling message from said ingress device (see FIG. 9, step 810, edge node receive a new call; see col. 19, line 19-26; also see FIG. 10, step 1005,1010,1015,1020,1025,1030; see col. 20, line 50-67);

providing said signaling message to a signaling intercept processor (see FIG. 7, a link 750 to Regional RSD server, RRSD, 740; see col. 13, line 22-46) associated with said ingress switch (see col. 47 to col. 14, line 5; see FIG. 8, step 820; see col. 19, line 25-30; edge node send a call query/message to RSD; also see FIG. 10, step 1035);

propagating said signaling message to a policy server (see FIG. 7, a link 770 to central RDS server 730, i.e., Signaling Control Point, SCP), said policy server including at least one

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policy profile having a plurality of policy features (see col. 14, line 9 to col. 15, line 50; see col. 10, line 10-20; see col. 11, line 1-16; see col. 13, line 1-6, 29-67; RSD contents consists connection rules/policy such as connectively information, threshold, quality of service, capacity, and/or status of loading/congestion);

determining in said policy server, based at least in part on said signaling message, if a particular policy feature is to be invoked (see FIG. 8, step 840; see FIG. 10, steps 1035,1040; see col. 13, line 1-7; 64 to col. 14, line 67; Tables VII-IX; decide how to route the call in accordance RSD contents);

if so, determining whether a policy condition associated with said particular policy feature is satisfied with respect to said signaling message (see FIG. 8, step 840; see FIG. 10, steps 1035,1040; see col. 13, line 1-7; 64 to col. 14, line 67; see col. 19, line 25-40; see col. 21, line 19-30; determines/decides whether the load/congestion/priority/bandwidth/routes conditions are met/fulfilled);

establishing a connection path between said ingress switch and said egress switch based on said determination that said policy condition is satisfied by said signaling message (see FIG. 8, step 850, 860, 870; see FIG. 10, steps 1045,1050,1055; see col. 14, line 1-65; see col. 19, line 35-50; see col. 21, line 40-50; setting/establishing the call when load/congestion/priority/bandwidth/routes conditions are met/fulfilled).

Regarding claim 14, Buyukkoc discloses an Asynchronous Transfer Mode (ATM) network (see FIG. 7-9, ATM network; see col. 19, line 55-60) for effectuating intelligent policy features with respect to a call to be established between two parties (see FIG. 9, a connection

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user 904 and 902) via a virtual channel connection (see col. 20, line 1-45; a virtual circuit); see col. 19, line 61 to col. 20, line 24, comprising:

an ATM switch (see FIG. 9, ATM switch 922) serving a customer premises equipment (CPE) operated by a party with respect to said call (see FIG. 9, CPE User 902 connects TDM switch 912; see col. 19, line 64 to col. 20, line 25);

a signaling intercept processor (see FIG. 7, Regional RSD server, RRSD, 740; see col. 13, line 22-46) associated with said ATM switch for intercepting a signaling message relative to said call (see col. 47 to col. 14, line 5; see FIG. 8, step 820; see col. 19, line 25-30; edge node send a call query/message to RSD; also see FIG. 10, step 1035);

a policy server (see FIG. 7, central RDS server 730, i.e., Signaling Control Point, SCP) associated with said signaling intercept processor, said policy server including at least one policy profile having a plurality of policy features (see col. 14, line 9 to col. 15, line 50; see col. 10, line 10-20; see col. 11, line 1-16; see col. 13, line 1-6, 29-67; RSD contents consists connection rules/policy such as connectively information, threshold, quality of service, capacity, and/or status of loading/congestion), wherein said policy server operates to effectuate a particular policy feature with respect to said call when triggered by said signaling message received from said signaling intercept processor (see FIG. 8, step 840; see FIG. 10, steps 1035, 1040; see col. 13, line 1-7; 64 to col. 14, line 67; see col. 19, line 25-40; see col. 21, line 19-30; RDS determines/decides whether a load/congestion/priority/bandwidth/route condition is met/fulfilled for the new connection).

Regarding claims 2, 15, and 42, Buyukkoc discloses wherein said signaling message comprises a Connect message (see FIG. 8, step 850, a message which contains a route for new

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call is the connect message in ATM signaling/SS7; see col. 19, line 19-25, 40-45; see col. 20, line 39-45).

Regarding claims 3,5,16,18,43 and 45, Buyukkoc discloses wherein said signaling message comprises an Add Party or setup message (see FIG. 8, steps 820,830; a message which contains a new call requesting for a route is the SETUP/adding party message in ATM signaling/SS7; see col. 19, line 19-31; see col. 20, line 46-52; see col. 20, line 39-45; see col. 21, line 19-25).

Regarding claim 10, Buyukkoc discloses a maximum burst size limit feature (see col. 14, line 15-65; acceptable/maximum load/size before the call are blocked).

Regarding claim 11, Buyukkoc discloses an aggregated bandwidth limit feature (see col. 17, line 30-40; see col. 13, line 45-47; total bandwidth).

Regarding claim 12, Buyukkoc discloses a service class selection feature (see col. 10, line 50-55; see col. 18, line 26-45; class-of-service).

Regarding claim 13, Buyukkoc discloses a maximum concurrent call limit feature (see col. 14, line 15-65; acceptable/maximum call load/limit).

Regarding claims 31 and 58, Buyukkoc discloses a service class selection feature for specifying a service class with respect to a network port used by said party (see col. 10, line 50-55; see col. 18, line 26-45; see FIG. 9, trunk/port 932; see col. 20, line 1-10; selecting a class-of-service for a port/link/trunk/circuit used by the call).

Regarding claims 38 and 65, Buyukkoc discloses a maximum concurrent call limit feature for specifying the total number of calls allowed concurrently with respect to a network

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port used by said party (see col. 14, line 10 to col. 15, line 50; see FIG. 9, trunk/port 932; see col. 20, line 1-10; acceptable/allowable total number of calls threshold/limit for a trunk/port).

Regarding claims 40, Buyukkoc discloses establishing a virtual channel connection between said party and another party for said call (see col. 20, line 5-45; virtual connection between users).

Regarding claims 41, Buyukkoc discloses denying a virtual channel connection for said call (see col. 14, line 44-47; see col. 1, line 66-67; call is block, thereby, blocking the virtual connection due to congestion).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 4, 17, and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc in view of Noake (US006751222B1).

Regarding claims 4,17, and 44, Buyukkoc does not explicitly disclose a release message. However, a release message is well know in the ATM signaling/SS7 in order to disconnect the call. In particular, Noake teaches a release message (see FIG. 4, RELEASE message; see col. 8, line 9-39). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a release message, as taught by Noake in the system of Buyukkoc, so that it would make effective use of a band and the

respective apparatus by transmitting connection information, and by sending/receiving a release message it will notify to stop the cell assembling and disassembling processes; see Noake col. 2, line 55-64; col. 8, line 19-24.

13. Claims 6-9,19-21,23,25,46-48,50 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc in view of Christie'656 (US006690656B1).

Regarding claims 6, 8 and 9, Buyukkoc does not explicitly disclose a source address validation/screening and a destination address screening. However, a source address validation/screening is well known in the ATM signaling/SS7. In particular, Christie'656 teaches a source address validation/screening and a destination address screening (see FIG. 7; see col. 7, line 9-19, 35-45; checking/validating caller number in ANI and verifying a dial number). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to validate/verify the caller number and dial number, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record; see Christie'656 col. 3, line 12-22; col. 7, line 39-45.

Regarding claims 19 and 46, Buyukkoc discloses accessing said ATM network through a particular network port associated with said CPE (see FIG. 9, accessing Switch 922 through the trunk/port 932; see col. 20, line 1-10).

Buyukkoc does not explicitly disclose a source address validation for ensuring that said party is an authorized party for accessing the network.

However, a source address validation for ensuring that said party is an authorized party for accessing the network is well known in the art of signaling in order to established the call. In particular, Christie'656 teaches a source address validation for ensuring that said party is an

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authorized party for accessing the ATM network (see FIG. 7; see col. 7, line 9-19, 35-45; checking/validating caller number in ANI for verification for accessing ATM network).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to validate/verify the caller number to access the ATM network, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record; see Christie'656 col. 3, line 12-22; col. 7, line 39-45.

Regarding claims 20 and 47, Buyukkoc discloses wherein said particular network port is a Customer Logical Port (see col. 4, line 20-40; see col. 5, line 20-26; edge node/switch provides logical connection/port between customer and the network). Christie'656 also discloses a Customer Logical Port (see col. 4, line 35-40; 60-67; a logical/virtual port/link).

Regarding claims 21 and 48, Buyukkoc discloses wherein said particular network port is a full physical port (see FIG. 9, physical trunk/port 932; see col. 20, line 1-10).

Regarding claims 23 and 50, Buyukkoc does not explicitly disclose a destination address screening for defining a plurality of address to which said party can effectuate said call. However, a destination address/number validation/screening for defining a plurality of address/numbers to which said party can effectuate said call is well known in the signaling with SCP. In particular, Christie'656 teaches a destination address screening for defining a plurality of address to which said party can effectuate said call (see FIG. 7; see col. 7, line 9-19, 35-45; see col. 15, line 40-60; see col. 2, line 1-15; verifying a dial number from the list of numbers where the call needs to be connected). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to validate/verify dial number from the list of number to establish the call, as taught by Christie'656 in the system of Buyukkoc, so that it

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would can validate the calls and generate a billing record; see Christie'656 col. 3, line 12-22; col. 7, line 39-45.

Regarding claims 25 and 52, Buyukkoc does not explicitly disclose a source address screening for defining a plurality of address from which said call can be initiated to said party. However, a source address/number validation/screening for defining a plurality of address from which said call can be initiated to said party is well known in the signaling with SCP. In particular, Christie'656 teaches a source address screening for defining plurality of address from which said call can be initiated to said party (see FIG. 7; see col. 7, line 9-19, 35-45; see col. 15, line 40-60; see col. 2, line 1-15; verifying a caller number, from the list of numbers, to initiate a call/connection). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to validate/verify caller number from the list of number to initiate a call, as taught by Christie'656 in the system of Buyukkoc, so that it would can validate the calls and generate a billing record; see Christie'656 col. 3, line 12-22; col. 7, line 39-45.

14. Claims 7, 22 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc in view of Farris (US006154445A).

Regarding claim 7, Buyukkoc does not explicitly disclose a maximum call attempt rate limit. However, having a maximum call attempt rate limit/threshold is well known in the signaling/SS7. In particular, Farris teaches a maximum call attempt rate limit (see col. 14, line 1-12; see col. 11, line 5-17; acceptable/maximum specified rate of call attempts). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide acceptable/maximum specified rate of call attempts, as taught by Farris in the

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system of Buyukkoc, so that it would can detect the predetermined events and/or imminence of predetermined events, and then blocking or controlling those events from their incipency; see Farris col. 14, line 1-6.

Regarding claim 22 and 49, Buyukkoc discloses the number of setup messages as described above in claim 18.

Buyukkoc does not explicitly disclose a maximum call attempt rate limit for monitoring the number of messages received from said party over a predetermined period of time. However, having a maximum call attempt rate limit for monitoring the number of messages received from said party over a predetermined period of time is well known in the art of signaling and network management. In particular, Farris teaches a maximum call attempt rate limit for monitoring the number of setup messages received from said party over a predetermined period of time (see col. 14, line 1-12; see col. 11, line 5-56; acceptable/maximum specified rate of call attempts for monitoring and determining the number of setup/ISUP messages from calling party per time period). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide acceptable/maximum specified rate of call attempts and monitoring process, as taught by Farris in the system of Buyukkoc, for the same motivation as stated above in claim 7.

15. Claims 27-29 and 54-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc in view of Kobayashi (US 5,896,371).

Regarding claims 27 and 54, Buyukkoc discloses a maximum burst size limit feature associated with said call (see col. 14, line 15-65; acceptable/maximum load/size before the call are blocked).

Buyukkoc does not explicitly disclose limiting a burst-size request. However, limiting a burst-size request is well known in the art of ATM. In particular, Kobayashi teaches a maximum burst size limit feature for limiting a burst-size request associated with said call (see FIG. 6; see col. 12, line 55 to col. 13, line 35; a limiting/setting/changing the number of cells transmitted in each call). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to limit the number of cells transmitted in each call, as taught by Kobayashi in the system of Buyukkoc, so that it would provide a flow control performed cooperatively by the network and the terminal equipment and call accepted control is simplified; see Kobayashi col. 7, line 46-52; col. 8, line 40-45.

Regarding claims 28 and 55, Kobayashi discloses the number of packets per second allowed to be transmitted to said ATM network with respect to said call (see FIG. 6; see col. 12, line 55 to col. 13, line 35; a number of cells per second (i.e. 10Mbps) requested to transmit in each call to ATM network). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the number of packets per second requested to be transmitted, as taught by Kobayashi in the system of Buyukkoc, for the same motivation as above in claim 27 and 52.

Regarding claims 29 and 56, Kobayashi discloses the number of packets per second allowed to be received by said party from said ATM network with respect to said call (see FIG. 6; see col. 12, line 55 to col. 13, line 35; a number of cells per second (i.e. 10Mbps) requested to

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received in each call from ATM network). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the number of packets per second requested to be received, as taught by Kobayashi in the system of Buyukkoc, for the same motivation as above in claim 27 and 52.

16. Claims 30 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc in view of Smith (US006222823B1).

Regarding claims 30 and 57, Buyukkoc discloses an aggregated bandwidth limit feature for a particular network port by said party (see FIG. 9, physical trunk/port 932; see col. 20, line 1-10; col. 17, line 30-40; see col. 13, line 45-47; total bandwidth for the port/link).

Buyukkoc does not explicitly disclose for determining a maximum bandwidth allowable and authorized for use. However, determining the maximum bandwidth allowable for a particular port authorized for use by said party is well known in the art of ATM. In particular, Smith teaches determining the maximum bandwidth allowable for a particular port authorized for use by said party (see FIG. 1-2; see col. 9, line 5-45, and abstract; determining predetermined/allowable/authorized bandwidth for a particular port/connection of end station). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to determining predetermined/allowable/authorized bandwidth for a particular port/connection of end station, as taught by Smith in the system of Buyukkoc, so that it would cause the system control means to allocate a predetermined bandwidth and balance the bandwidth; see Smith col. 2, line 35-67; col. 9, line 21-25.

17. Claims 32-37 and 59-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buyukkoc in view of Kilkki (US006041039A).

Regarding claims 32-37 and 59-64, Buyukkoc discloses service class as described above in claim 31 and 58. Buyukkoc further discloses constant bit rate service (CBR) and variable bit rate service (VBR) (see col. 1, line 50-60).

Buyukkoc does not explicitly disclose a real-time VBR service, non-real time VBR, unspecified bit-rate (UBR), and available bit-rate (ABR). However, the ATM class of services a real-time VBR service, non-real time VBR, unspecified bit-rate (UBR), and available bit-rate (ABR) is well known in ATM standard. In particular, Kilkki teaches CBR, VBR, a real-time VBR service, non-real time VBR, unspecified bit-rate (UBR), and available bit-rate (ABR) (see col. 1, line 54-67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide quality of service class defined by ATM standard, as taught by Kilkki in the system of Buyukkoc, so that it would provide a capability to manage increases in network load, supporting both real-time and non-real time application, and offering, in certain circumstances, a guaranteed level service quality; see Kilkki col. 1, line 44-53, also by using the ATM standard services, it will enable the service provider to interoperate between multi-vendor networks.

Allowable Subject Matter

18. **Claims 24,26,51 and 43** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

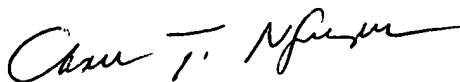
Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600